

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

**JOEL A. SMITHERS,
Defendant**

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MEMORANDUM ORDER
Case Number: 1:17cr00027

This matter is before the court on the defendant's Motion To Approve Transportation Fees And Lodging Fees For Defendant, (Docket Item No. 149) ("Motion"). Based on the arguments and representations of counsel, the Motion is **GRANTED**, and it is **ORDERED** as follows:

1. Pursuant to 18 USC § 4285, the U.S. Marshals Service for the Western District of Virginia shall furnish the defendant with the cost of transportation from his residence in Greensboro, North Carolina, to this district for the purpose of trial beginning April 29, 2019, along with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under 5 U.S.C. § 5702(a); and

2. Pursuant to the reasoning set forth in *United States v. Mendoza*, 734 F.Supp.2d 281 (E.D.N.Y. 2010), the court instructs defense counsel that he may incur expenses for the defendant's lodging and meals during trial preparation and trial beginning April 25, 2019, and continuing through the conclusion of trial and seek reimbursement of those expenses under the Criminal Justice Act, 18 U.S.C. § 3006A(e)(1). Defense counsel may seek reimbursement for the actual expenses he incurs for lodging and meals for the defendant up to the General Services

Administration's approved per diem rate for the applicable location, with detailed receipts to be provided.

The Clerk's Office shall provide a copy of this Order to the Marshals Service and all counsel of record.

ENTERED: April 24, 2019.

/s/ *Pamela Meade Sargent*
UNITED STATES MAGISTRATE JUDGE